



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/604,528

07/29/2003

JEN-SHOU TSENG

9499-US-PA

1527

43831

7590

07/12/2005

BERKELEY LAW & TECHNOLOGY GROUP  
5250 NE ELAM YOUNG PARKWAY  
SUITE 850  
HILLSBORO, OR 97124

EXAMINER

FISHMAN, MARINA

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/604,528	Applicant(s) TSENG, JEN-SHOU	
	Examiner Marina Fishman	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *General status*

1. This is a Second Non Final Action on the Merits. Claims 1 - 16 are pending in the case and are being examined.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims rejected under 35 U.S.C. 102(b) as being anticipated by Gumb [US 5,172,805].

Gumb discloses a pushbutton for electronic device [Figure 2] comprising:

- a housing [110];
- a button cover [160];
- a circuit board [120];
- a button body [112], a wing plate [510], a positioning plate [part of 132; Figure 2]; a contact rod [515].

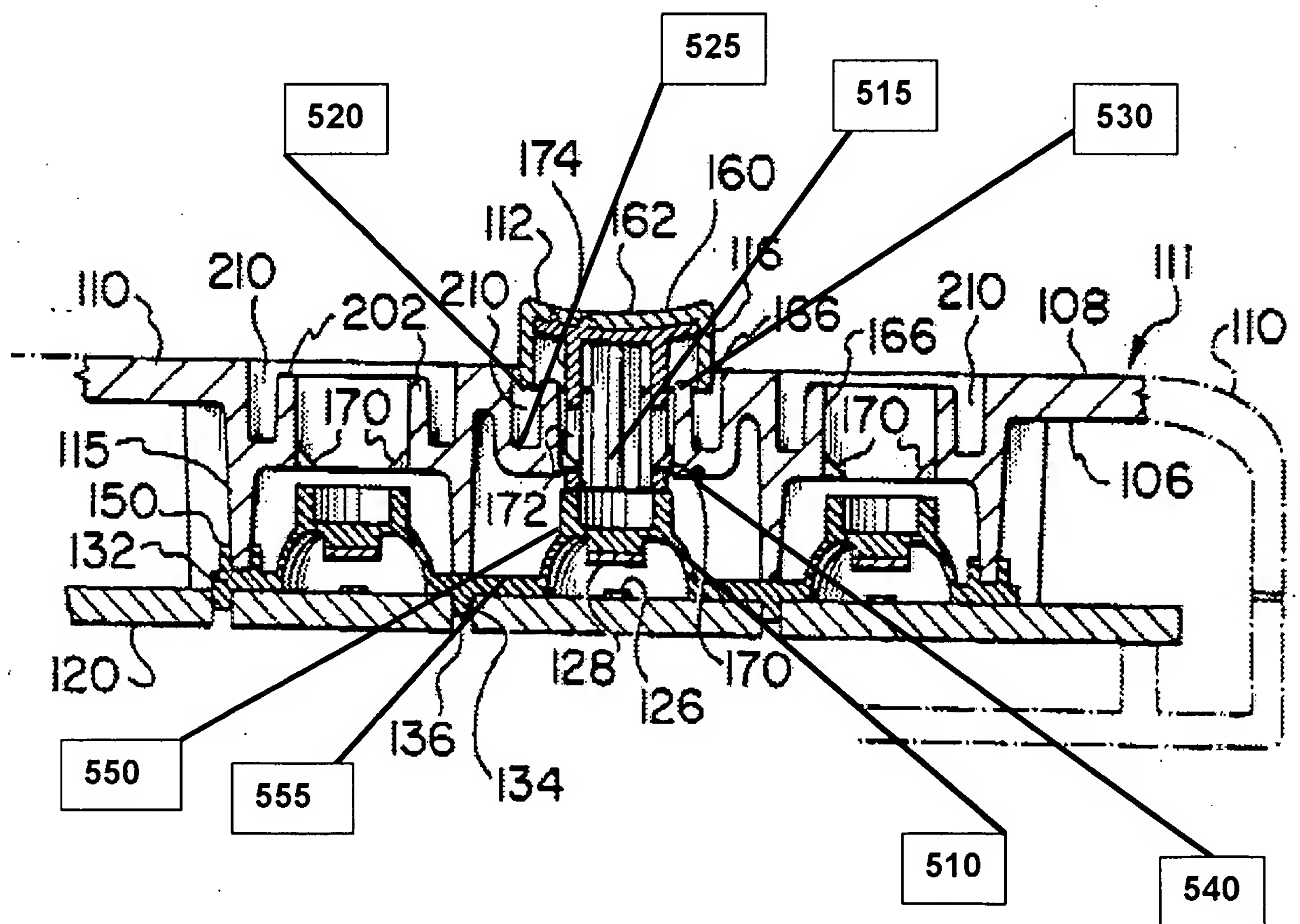
Gumb discloses all the limitations of claimed invention including the dimensional relationship satisfying the equations:

$E - B > D$ ;  $E - D > A$ ;  $D > A$ ;  $A \geq C$ ;  $A \geq B$  and  $C \geq B$ , where:

- the dimension B is height from the bottom of the contact rod

to the contact point on the circuit board [distance between 128 and 126];

- dimension C is height from the bottom of the button body to the outer surface of the housing [distance between 520-525];
- the dimension A [distance between 550 and 555] is height of the wing plate;
- the dimension D is height of the sidewall of button cover next to the button body [dimension between 230 and 240],
- the dimension E is height from the top of the button body [top of 112] to top end [550] of the wing plate.



Art Unit: 2832

Regarding Claim 7, the positioning plate, the wing plate and contact rod assembled in a single unit (integrative unit). Regarding Claim 8, the contact rod and button body are separately made. Regarding Claim 9, the wing plate disclosed is elastic.

### ***Response to Arguments***

4. Applicant's arguments, filed 06/25/2005, with respect to Claims 1 - 16 have been fully considered and are persuasive. Examiner has presented a new rejection; since the rejection has been modified, this action is made **Non-Final**.

5. The rejections in the previous office action under 35 USC §112, second paragraph, drawing objection under 37CFR 1.83(a) and the Specification objections are withdrawn in view of Applicant's amendments.

### ***Conclusion***

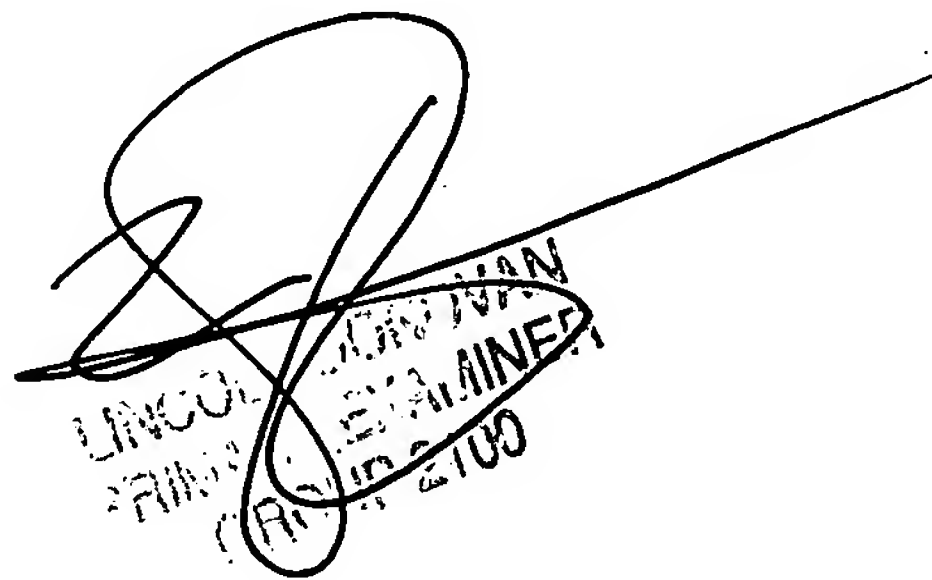
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
July 7, 2005



A handwritten signature in black ink is written over an official stamp. The stamp is rectangular and contains the following text: "LINCOLN", "MARINA FISHMAN", "EXAMINER", and "866-217-9197".

## REPLACEMENT SHEET

**Inventor(s): Tseng**

**Title: BUTTON STRUCTURE AND DESIGN METHOD FOR LATCHING PREVENTION**

Our Docket No.: 112.P14010

